

By 48 yeas to 47 nays (Vote No. 179), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 501(b) of H. Con. Res. 95, Fiscal Year 2004 Congressional Budget Resolution, with respect to Byrd Amendment No. 3649, to provide funds for the Transportation Security Administration, United States Coast Guard, and the Office of State and Local Government Coordination and Preparedness. Subsequently, the point of order that the amendment would increase spending in excess of levels permitted by H. Con. Res. 95, was sustained, and the amendment thus falls. **Pages S9200–02**

By 43 yeas to 51 nays (Vote No. 181), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 3656, to increase funding for rail and transit security grants. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S9204–05, S9207**

By 44 yeas to 49 nays (Vote No. 182), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 3655, to appropriate an additional \$350,000,000 to improve the security at points of entry into the United States. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S9205–06, S9207–08**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cochran, Stevens, Specter, Domenici, McConnell, Shelby, Gregg, Campbell, Craig, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Kohl, and Murray. **Page S9213**

**Honoring Former President William Jefferson Clinton:** Senate agreed to S. Res. 425, honoring former President William Jefferson Clinton on the occasion of his 58th birthday. **Pages S9237–39**

**Small Business Extension:** Senate passed H.R. 5008, to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, clearing the measure for the President. **Pages S9239–40**

**Military Construction Appropriations Agreement:** A unanimous-consent agreement was reached providing for consideration of S. 2674, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, at 9:45 a.m., on Wednesday, September 15, 2004; that the two managers' amend-

ments at the desk be agreed to and no other amendments be in order; that there be one hour of debate equally divided, and at the conclusion or yielding back of time, the bill be returned to the Senate calendar; provided further; that the Senate then proceed to H.R. 4837, House companion measure, that all after the enacting clause be stricken, the text of S. 2674, as amended, be inserted in lieu thereof, the bill be read a third time and the Senate proceed to a vote at a time to be determined by the Majority Leader in consultation with the Democratic Leader; that upon passage of the bill, the Senate insist upon its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees. **Page S9237**

**Haiti Economic Recovery Opportunity Act—Agreement:** A unanimous-consent agreement was reached providing that the Senate request the House to return the papers with respect to S. 2261, to expand certain preferential trade treatment for Haiti. **Page S9237**

**Messages From the House:** **Pages S9217–18**

**Measures Referred:** **Page S9218**

**Executive Communications:** **Pages S9218–20**

**Additional Cosponsors:** **Pages S9221–22**

**Statements on Introduced Bills/Resolutions:** **Pages S9222–31**

**Additional Statements:** **Pages S9216–17**

**Amendments Submitted:** **Pages S9231–36**

**Authority for Committees to Meet:** **Pages S9236–37**

**Privilege of the Floor:** **Page S9237**

**Record Votes:** Ten record votes were taken today. (Total—184)

**Pages S9177, S9181–82, S9202, S9207–08, S9212**

**Adjournment:** Senate convened at 9:45 a.m., and adjourned at 11:18 p.m., until 9:45 a.m., on Wednesday, September 15, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9240.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: INTERIOR/ AGRICULTURE/TRANSPORTATION AND TREASURY

**Committee on Appropriations:** Committee ordered favorably reported the following bills:

An original bill (S. 2804) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005;

An original bill (S. 2803) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005; and

An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005.

#### LAND BILLS

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests concluded a hearing to examine S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, S. 2723, to designate certain land in the State of Oregon as wilderness, and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, after receiving testimony from Senators Reid and Ensign; Representative Gibbons; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Rebecca W. Watson, Assistant Secretary of the Interior for Land and Minerals Management; Mayor Linda Malone, Sandy, Oregon; Jay Ward, Oregon Natural Resources Council, Portland; Jason Spadaro, SDS Lumber Company, Bingen, Washington; Chris DiStefano, International Mountain Bicycling Association, Boulder, Colorado; Michael Newton, Oregon State University Department of Forest Science, Philomath; and John Hiatt, Red Rock Audubon Society, Las Vegas, Nevada, on behalf of the Nevada Wilderness Coalition.

#### 9/11 COMMISSION HUMAN CAPITAL RECOMMENDATIONS

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded a hearing to examine and discuss legislative and administrative options to address human capital recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), focusing on improving the presidential appointments process for national security positions, establishing a single agency that conducts security clearance background investigations for U.S. personnel, and providing some additional personnel flexibilities to the Federal Bureau of Investigation to reflect its increased counterterrorism and intelligence responsibilities, after receiving testimony from Fred Fielding, and Jamie S. Gorelick, both Commissioners, National Commission on Terrorist Attacks Upon the United States; Mark Steven Bullock, As-

sistant Director, Administrative Services Division, Federal Bureau of Investigation, Department of Justice; John A. Turnicky, Special Assistant to the Director of Central Intelligence for Security, Central Intelligence Agency; J. Christopher Mihm, Managing Director of Strategic Issues, Government Accountability Office; Paul C. Light, New York University Robert F. Wagner School of Public Service and the Brookings Institution, C. Morgan Kinghorn, National Academy of Public Administration, and Max Stier, Partnership for Public Service, all of Washington, D.C.; and Doug Wagoner, Information Technology Association of America Security Clearances Task Group, Arlington, Virginia.

#### GROUP PURCHASING ORGANIZATIONS

*Committee on the Judiciary:* Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine maintaining innovation and cost savings relating to hospital group purchasing, focusing on maintaining a group purchasing organization industry that helps hospitals realize significant savings on the best products for their patients, after receiving testimony from Robert Betz, Health Industry Group Purchasing Association, Arlington, Virginia; Joe E. Kiani, Masimo Corporation, Irvine, California; and David A. Balto, Robins, Kaplan, Miller and Ciresi LLP, Washington, D.C.

#### NOMINATION

*Select Committee on Intelligence:* Committee concluded a hearing to examine the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence, after the nominee, who was introduced by Senators Graham (FL) and Nelson (FL), testified and answered questions in his own behalf.

#### MANDATORY RETIREMENTS

*Special Committee on Aging:* Committee concluded a hearing to examine mandatory retirement age rules, anti-age-discrimination laws in the private sector, and technology-induced demand and projected worker shortages, after receiving testimony from Abby L. Block, Deputy Associate Director, Center for Employee and Family Support Policy, Office of Personnel Management; Eugene R. Freedman, National Air Traffic Controllers Association, and Jagadeesh Gokhale, Cato Institute, both of Washington, D.C.; Russell B. Rayman, Aerospace Medical Association, Alexandria, Virginia; and Joseph Eichelkraut, Southwest Airlines Pilots' Association, Dallas, Texas.

# House of Representatives

## Chamber Action

**Measures Introduced:** 8 public bills, H.R. 5071–5078; and; 9 resolutions, H.J. Res. 103; H. Con. Res. 491–493, and H. Res. 771–775 were introduced. **Page H7138**

**Additional Cosponsors:** **Page H7138**

**Reports Filed:** Reports were filed today as follows:

H.R. 2971, to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, amended referred sequentially to the House Committee on the Judiciary for a period ending not later than Oct. 1, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 108–685, Pt. 1); and

H. Res. 770, providing for consideration of H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005 (H. Rept. 108–686). **Page H7137**

**Recess:** The House recessed at 9:21 a.m. and reconvened at 10 a.m. **Page H7077**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Good Samaritan Volunteer Firefighter Assistance Act of 2003:** H.R. 1787, amended, to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies, by a 2/3 yeas-and-nay vote of 397 yeas to 3 nays, Roll No. 446; and **Pages H7090–92, H7097**

**Volunteer Pilot Organization Protection Act:** H.R. 1084, amended, to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, by a 2/3 yeas-and-nay vote of 385 yeas to 12 nays, Roll No. 447. **Pages H7092–95, H7098**

**Suspension Failed—Nonprofit Athletic Organization Protection Act of 2003:** The House failed to agree to suspend the rules and pass H.R. 3369, to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices, by a 2/3 yeas-and-nay vote of 217 yeas to 176 nays, Roll No. 445. **Pages H7084–90, H7096–97**

**Lawsuit Abuse Reduction Act of 2004:** The House passed H.R. 4571, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, by a yeas-and-nay vote of 229 yeas to 174 nays, Roll No. 450. **Pages H7080–84, H7098–H7120**

Rejected the DeLauro motion to recommit the bill to the Committee on the Judiciary with instruction to report it back to the House forthwith with an amendment, by a recorded vote of 196 yeas to 211 noes, Roll No. 449. **Pages H7118–20**

The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill was adopted. **Page H7099**

Rejected the Turner of Texas amendment in the nature of a substitute printed in H. Rept. 108–684, by a yeas-and-nay vote of 177 yeas to 226 nays, Roll No. 448. **Pages H7111–18**

H. Res. 766, the rule providing for consideration of the bill was agreed to by a yeas-and-nay vote of 228 yeas to 165 nays, Roll No. 444. **Page H7096**

**Transportation, Treasury, and Independent Agencies Appropriations Act for FY05:** The House began consideration of H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005. Further consideration will continue tomorrow, September 15. **Pages H7121–83**

Agreed by unanimous consent to limit further amendments offered and the time for debate on such amendments. **Pages H7183–84**

Agreed to:

Istook amendment that specifies an amount of funds for operations of the Federal Aviation Administration is to be derived from the Airport and Airway Trust Fund; **Pages H7134–36**

Istook amendment that inserts a section regarding funds for the General Services Administration's Federal Buildings Fund; **Page H7149**

Pombo amendment that prohibits the use of funds for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places; **Page H7177**

Oxley amendment (No. 3 printed in the Congressional Record of September 13) that strikes section 216 of the bill regarding the forms of identification accepted by financial institutions (agreed to limit the time for debate on the amendment) (by a recorded vote of 222 yeas to 177 noes, Roll No. 452); and **Pages H7155–65, H7181–82**

Kelly amendment that increases funds for the Financial Crimes Enforcement Network for Salaries and Expenses (agreed to limit time for debate on the amendment) (by a recorded vote of 360 yeas to 37 noes, Roll No. 454). **Pages H7179–81, H7183**